

Medi-Cal & HCR Monthly Update

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Deferred Action for Childhood Arrivals (DACA)

What is Deferred Action?

Deferred action is a form of administrative relief from deportation. Through it, the Department of Homeland Security (DHS) authorizes a non-U.S. citizen to remain in the U.S. temporarily. The person may also apply for an employment authorization document (a "work permit") for the period during which he or she has deferred action. Being granted deferred action is a *temporary* status and does not provide a path to lawful permanent resident status or U.S. citizenship. However, a person granted deferred action is considered by the federal government to be lawfully present in the U.S. for as long as the grant of deferred action is in effect.

On June 15, 2012, the President announced that certain individuals who meet specific guidelines, could request consideration of DACA status. DACA status is valid for a period of two years, subject to renewal. U.S. Citizenship and Immigration Services (USCIS) lists the following guidelines for DACA consideration:

- ⇒ Came to the U.S. before age of 16.
- ⇒ Continuously resided in the U.S. since June 15, 2007.
- ⇒ Under the age of 31 as of June 15, 2012.
- ⇒ Did not have lawful immigration status as of June 15, 2012.
- ⇒ Pursuing education or military service.
- ⇒ No prior convictions (felony or significant misdemeanor).
- ⇒ Physically present in the U.S. on June 15, 2012, and at the time of requesting DACA.

Note: There is no difference between "deferred action" and DACA under this process. DACA is one form of deferred action.



For Medi-Cal eligibility purposes, DACA individuals are:

Considered **PRUCOL** under category #12 in question 5 of the MC13 "An alien in deferred action status"; therefore, eligible for full-scope Medi-Cal if they meet all eligibility requirements.

IMPORTANT: All PRUCOL aliens must indicate their specific PRUCOL status in question 5.

5. If the applicant would qualify for Medi-Cal benefits as a PRUCOL alien, indicate the status category which entitles him/her to that classification:

- ☐ A conditional entrant admitted to the United States before April 1, 1980
- ☐ An alien paroled into the United States, including Cuban/Haitian entrants
- ☐ An alien subject to an Order of Supervision
- ☐ An alien granted an indefinite stay of deportation
- ☐ An alien granted an indefinite voluntary departure
- ☐ An alien on whose behalf an immediate relative petition (INS Form I-130) has been approved and who is entitled to voluntary departure
- ☐ An alien who has properly filed an application for lawful permanent resident status
- ☐ An alien granted a stay of deportation for a specified period
- ☐ An alien granted asylum
- ☐ A refugee admitted to the United States since April 1, 1980
- ☐ An alien granted voluntary departure who is awaiting issuance of a visa
- ☒ An alien in deferred action status
- ☐ An alien who entered and has continuously resided in the United States since before January 1, 1972, who would be eligible for an adjustment of status to lawful permanent resident pursuant to INA Section 249 (eligible as a Registry Alien)
- ☐ An alien granted a suspension of deportation whose departure INS does not contemplate enforcing
- ☐ An alien granted withholding of deportation pursuant to INA Section 243(h)
- ☐ An alien, not in one of the above categories, who can show that: (1) INS knows he/she is in the United States; and (2) INS does not intend to deport him/her, either because of the person's status category or individual circumstances.

DACA Verification Requirements:

- Initial self-attestation of DACA status is acceptable.
- The MC13 form is only required if DACA verification of immigration status cannot be e-verified via the Federal Data Hub (HUB) or Systematic Alien Verification and Entitlement (SAVE).
- If unable to verify immigration status, individuals will be allowed a 90-day Reasonable Opportunity Period (ROP) to provide documentation.
- Full-scope Medi-Cal benefits must be granted to the applicant while DACA immigration status is verified, if the individual is otherwise eligible.
- If the applicant fails to provide verification for DACA status within the 90-day period, then Medi-Cal benefits must be reduced to restricted scope.

DACA ELIGIBILITY:

DACA individuals are eligible for full-scope benefits for both Modified Adjusted Gross Income (MAGI) and Non-MAGI Medi-Cal.

Although DACA individuals may qualify for full-scope Medi-Cal eligibility, they are not eligible to receive the following benefits from Covered California:

- Subsidized Coverage: Advanced Premium Tax Credit (APTC) or Cost Sharing Reductions (CSR), or
- Unsubsidized Coverage: Full-price health coverage.

When DACA is declared, the following LEADER screens must be updated with the following information:

Alien Refugee Information - View Mode

Case: QR/SAR #: MAGI:
 Cash: None Food Stamps: None Medi-Cal: Deny
 Alien Non-Citizen ☐ Sponsored Non-Citizen ☐
 Name: Valid From: 08/01/2014 To: Report Date: 09/07/2014
 Alien/Citizen Status: Undocumented Alien
 Alien Type: PRUCOL
 Country of Origin:
 Port of Entry: Los Angeles, CA
 Lawful Presence Everify ☐
 Enrolled in Refugee Relocation Program RRP [Y/N]: ☐
 Alien Document
 Type: Employ Authorization Disposition Date:
 Expiration Date: Appeal Date:
 Verification: Received Source:
 Adjustment of Status Date:
 Temporary Adjustment Date:
 Legalization Date:
 PRUCOL
 PRUCOL Status: Granted
 Approval Date: 08/01/2014
 Disapproval Date:
 12 month-State Trafficking Victim
 Start Date:
 End Date:

Individual Attributes - View Mode

Case: QR/SAR #: MAGI: Appd Lang: English Special Indicator:
 Cash: None Food Stamps: None Medi-Cal: Deny None: None File: Office:
 Name: Valid From: 08/01/2014 To: Report Date: 09/07/2014
 Residency ☐ RFG ☐ Employment ☐ Programs ☐ Minor ☐ Mfg ☐ Departure ☐
 LA Resident [Y/N]: Y
 Intent to Reside [Y/N]: Y Date Arrived:
 CA Resident [Y/N]: Y
 Intent to Reside [Y/N]: Y Verification: Received
 Court Jurisdiction [Y/N]:
 State: Verification: Source:
 Place of Birth:
 Alien/Citizen Status: Undocumented Alien
 Alien Type: PRUCOL
 MC13 Signed [Y/N]: Y Date MC13 Signed: 05/14/2003 Domestic Violence ☐
 Out Of State
 Departure Date: Expected Return Date: Actual Return Date:
 Reason: Verification: Source:
 Voter Registration
 Pref Form Initiated: ☐ Pref Form Received: ☐ Reg Card Received: ☐

Currently, CALHEERS is not programed to recognize PRUCOL. Therefore, once SFU/EDBC is run, the results received will indicate restricted MAGI aid codes. As a result, MEDS must be manually updated with the appropriate full-scope MAGI aid code. After updating MEDS manually, documenting LEADER case comments and generating a service request, the case should be transferred to the specialized file "SPCH" for manual control.

Refer to our Administrative Release, Coverage for Immigrants under Health Care Reform, dated 01/20/15, for additional information.

